

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

POLET TCHAKARSKI,

Plaintiff,

v.

INTERNAL REVENUE SERVICE ,

Defendant.

2:09-cv-01587-JCM-LRL

**ORDER AND RECOMMENDATION**

Plaintiff submitted an Application to Proceed *In Forma Pauperis* and a Complaint (#1) pursuant to 42 U.S.C. § 1983 on August 21, 2009. The court denied his request to proceed *in forma pauperis* and ordered him to pay the filing fee by January 15, 2010. Order (#2). The court further dismissed the Complaint without prejudice for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6). *Id.* The court noted plaintiff had failed to “set forth the particular facts that would entitle him to relief,” to “articulate the relief he seeks or the legal grounds for relief.” *Id.* The court instructed plaintiff to amend his Complaint to cure the deficiencies listed by the court not later than January 15, 2010. *Id.* Plaintiff was warned that failure to adequately amend the Complaint by January 15, 2010, may result in its dismissal. *Id.* Plaintiff has not filed an amended complaint, nor has he paid the filing fee. On January 14, 2010, plaintiff filed a Notice of Controversy and Second Request for Grand Jury (#3), in which he stated, “Petitioner is unwilling to comment on the said ‘Order’, and to contribute to starting a new unnecessary controversy.” Notice (#3) at 3. Plaintiff further requested a grand jury review of his paperwork. *Id.* This filing is not responsive to the court’s order to amend the Complaint. Moreover, the rules do not contemplate “grand jury review” in a civil dispute.

Accordingly, and for good cause shown,

1 IT IS RECOMMENDED that this case be dismissed with prejudice.

2 IT IS ALSO ORDERED that plaintiff's Notice of Controversy and Second Request for Grand  
3 Jury (#3) are stricken.

4 DATED this 12th day of May, 2010.

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7 **LAWRENCE R. LEAVITT**  
8 **UNITED STATES MAGISTRATE JUDGE**  
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